

ONICE TRAYLOR, JERRY TRAYLOR, and) 2:09-cv-01073-HDM-LRL  
JEREMY TRAYLOR, )  
)  
Plaintiffs, )  
) ORDER  
vs. )  
)  
KOHL'S DEPARTMENT STORE, INC., )  
)  
Defendant. )  
)

“A judgment on the pleadings is properly granted when, taking all the allegations in the pleadings as true, the moving party is entitled to judgment as a matter of law.” *Owens v. Kaiser Found. Health Plan, Inc.*, 244 F.3d 708, 713 (9th Cir. 2001). According to plaintiff’s complaint, Jeremy Traylor is Onice Traylor’s son. (Pl. Compl. ¶ 18). Jeremy Traylor’s sole claim is for loss of

1 consortium based on the injuries sustained by his mother in  
2 defendant's store. The Nevada Supreme Court has declined to  
3 recognize a claim for loss of parental consortium. *Heidt v. Heidt*,  
4 842 P.2d 723, 725 (Nev. 1992), *abrogated on other grounds by*  
5 *Motenko v. MGM Dist., Inc.*, 921 P.2d 933 (Nev. 1996), *abrogated on*  
6 *other grounds by Gen. Motors Corp. v. Eighth Judicial Dist. Court*,  
7 134 P.3d 111 (Nev. 2006); *see also Cardinale v. La Petite Academy,*  
8 *Inc.*, 207 F. Supp. 2d 1158, 1161 (D. Nev. 2002). Thus, even if all  
9 the allegations of the pleadings were true, Jeremy Traylor would  
10 not be entitled to relief against defendant for loss of consortium.  
11 Defendant is therefore entitled to judgment as a matter of law on  
12 Jeremy Traylor's claim, and its motion for judgment on the  
13 pleadings (#61) is hereby granted.

14 **IT IS SO ORDERED.**

15 DATED: This 1st day of October, 2010.

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18 UNITED STATES DISTRICT JUDGE  
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